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September 13, 2017

**VIA ECF & FEDEX**

The Honorable Brian R. Martinotti, U.S.D.J.  
United States District Court  
Clarkson S. Fisher Federal Bldg. & U.S. Courthouse  
402 E. State Street  
Trenton, NJ 08608

Re: MonoSol Rx, LLC v. BioDelivery Sciences Int'l, Inc.  
Civil Action No. 17-246 (BRM)(DEA)

Dear Judge Martinotti:

This firm, together with Steptoe & Johnson LLP, represents plaintiff MonoSol Rx, LLC in the above-captioned matter. Further to the parties' discussion with Your Honor during the July 25, 2017 in-person status conference, enclosed is a Stipulated Order, which, subject to Your Honor's approval, would transfer this case to the District of Delaware. If the Stipulated Order meets with the Court's approval, we respectfully request that Your Honor sign it and have it entered on the docket to effectuate transfer prior to the automatic administrative termination on September 25, 2017 set forth in Your Honor's prior 60-day Order (D.I. 33).

Thank you for Your Honor's kind attention to this matter.

Respectfully yours,



William C. Baton

Enclosure

cc: All Counsel (via e-mail)

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**MONOSOL RX, LLC,**

**Plaintiff,**

**v.**

**BIODELIVERY SCIENCES  
INTERNATIONAL, INC.,**

**Defendant.**

**Civil Action No. 17-246 (BRM)(DEA)**

**(Filed Electronically)**

**STIPULATED ORDER TRANSFERRING CASE  
TO THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

This Stipulation is made by and between plaintiff MonoSol RX, LLC (“Plaintiff”) and defendant BioDelivery Sciences International, Inc. (“Defendant”);

WHEREAS, on January 13, 2017, Plaintiff filed a complaint against Defendant in the United States District Court for the District of New Jersey (D.I. 1);

WHEREAS, on March 1, 2017, Defendant filed a motion to dismiss the complaint (D.I. 7) and a motion to transfer venue to the United States District Court for the Eastern District of North Carolina pursuant to 28 U.S.C. §1404(a) (D.I. 8);

WHEREAS, on July 25, 2017, the Court held an in-person status conference;

WHEREAS, the parties agreed during the status conference that the United States District Court for the District of Delaware is one appropriate venue for this case and that the parties would submit an agreed stipulation to the Court;

WHEREAS, it is Defendant’s position that while it does not oppose an initial transfer of this case to the United States District Court for the District of Delaware, it believes (and Plaintiff disagrees) that the United States District Court for the Eastern District of North Carolina remains

the most appropriate venue for this case at least for the reasons set forth in its motion to transfer venue (D.I. 8);

WHEREAS, on July 25, 2017, the Court entered a 60-Day Order administratively terminating this matter (D.I. 33);

THEREFORE, IT IS on this \_\_\_\_\_ day of September, 2017;

ORDERED that this case is hereby transferred to the United States District Court for the District of Delaware; and it is further

ORDERED that despite such transfer, neither party has waived its position concerning jurisdiction and venue, and Defendant may pursue and file (and Plaintiff may oppose) any and all appropriate pre-answer motions in the United States District Court for the District of Delaware, including a motion to dismiss the complaint and a motion to transfer venue to the United States District Court for the Eastern District of North Carolina pursuant to 28 U.S.C. §1404(a); and it is further

ORDERED that the Clerk of the Court is hereby ordered to close this case and transfer and transmit the files of this case to the United States District Court for the District of Delaware, forthwith.

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**HON. BRIAN R. MARTINOTTI**  
**United States District Judge**

Dated: September 13, 2017

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